

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MARY L. FERGUSON,

Plaintiff,

Case No. 10-14798

Paul D. Borman
United States District Judge

v.

Mona K. Majzoub
United States Magistrate Judge

COMMISSIONER OF
SOCIAL SECURITY,

Defendant.

OPINION AND ORDER (1) ADOPTING THE MAGISTRATE JUDGE'S REPORT AND
RECOMMENDATION WITH MODIFICATION (DKT. NO. 17);

(2) GRANTING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT
WITH REMAND (DKT. NO. 12);

(3) DENYING DEFENDANT'S MOTION FOR SUMMARY JUDGMENT (DKT. NO. 15);

(4) REVERSING THE COMMISSIONER'S DECISION; and

(5) REMANDING THE CASE TO THE COMMISSIONER OF SOCIAL SECURITY FOR
FURTHER PROCEEDINGS PURSUANT TO SENTENCE FOUR OF 42 U.S.C. § 405(g)

On February 6, 2012, Magistrate Judge Mona K. Majzoub issued a Report and Recommendation ("R&R") recommending that the Court deny both Plaintiff's and Defendant's motions for summary judgment and remand to the Commissioner for further proceedings. (Dkt. No. 17.) No objections have been received from either party under 28 U.S.C. § 636(b)(1) and E.D. Mich L.R. 72.1(d).


Having reviewed that Report and Recommendation, the parties' cross-motions for summary judgment and the record as a whole, and there being no timely objections from either party, the Court will adopt the Magistrate Judge's Report and Recommendation with the modification that Plaintiff's

motion is granted to the extent that the case is remanded to the Commissioner pursuant to sentence four of 42 U.S.C. § 405(g), requiring that the Court enter final judgment. *Berkowski v. Comm'r of Soc. Sec.*, 652 F. Supp. 2d 846, 849 (E.D. Mich. 2009) (remand pursuant to sentence four of 42 U.S.C. § 405(g) must be done in conjunction with a final judgment).

Accordingly, the Court ADOPTS WITH MODIFICATION the Magistrate Judge's Report and Recommendation, GRANTS Plaintiff's Motion for Summary Judgment to the extent that the case is remanded to the Commissioner for further proceedings, DENIES Defendant's Motion for Summary Judgment, REVERSES the Commissioner's decision and REMANDS the matter to the Commissioner for further proceedings consistent with Magistrate Judge Majzoub's Report and Recommendation, pursuant to sentence four of 42 U.S.C. § 405(g).

This Order closes this case.

IT IS SO ORDERED.



PAUL D. BORMAN
UNITED STATES DISTRICT JUDGE

Dated: 3-26-12